



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,320	11/15/2000	Matias Duarte	04676.P004X	6475

7590 01/14/2003
Thomas C Webster
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026

EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
----------	--------------

2675

DATE MAILED: 01/14/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,320

Applicant(s)

DUARTE ET AL.

Examiner

Srilakshmi K. Kumar

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 16-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-8,16-18,20,21,26-28 and 30-32 is/are rejected.
- 7) ☒ Claim(s) 5,19 and 22-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s) Z.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 29-33 been renumbered 28-32.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 16-18, 26-28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyagawa et al (US 5,268,817).

As to independent claims 1 and 26, Miyagawa et al disclose an apparatus comprising, a data processing device (Figs. 7a-7c, 12, 13 and 15), comprising a first group of control elements (Fig. 7b, item 27, Fig. 12, item 43) and a second group of control elements (Fig. 1b, item 51 & pen) and a display comprising a display area (Figs. 5, 8 and 10) for rendering images generated by said data processing device (col. 5, lines 16-25), said display coupled to said data processing device at a pivot point and rotatable around said pivot point from a first position to a second position, wherein both said first and second groups of control elements are exposed when said

Art Unit: 2675

display is in said second position, and wherein only said second group of control elements are exposed when said display is in said first position (Fig. 7b, items 27, and Fig. 12, item 43), wherein said display is viewable in both said first position and said second position (col. 2, lines 2-68, col. 6, lines 12-55, and col. 10, lines 5-57).

As to independent claim 16, limitations of claim 1, and further comprising, wherein a display rotatably coupled to said data processing device and configured to pivot around a pivot point within a plane from a first position to a second position (Fig. 12), wherein images displayed on said display are viewable in both said first position and said second (Figs. 7a-7c).

As to dependent claim 2, limitations of claim 1, and further comprising, wherein said data processing device comprises a first group of control elements covered by said display when said display is in a first position (Fig. 7b, items 27, and Fig. 12, item 43).

As to dependent claims 3 and 28, limitations of claims 2 and 26, and further comprising wherein said first group of control elements comprise a keyboard (Fig. 7b, items 27, and Fig. 12, item 43).

As to dependent claims 4 and 18, limitations of claims 2 and 17, and further comprising, wherein said data processing device comprises a second group of control elements not covered by said display when said display is in a first position (Fig. 16, item 51 & pen, and col. 11, lines 22-26).

As to dependent claim 6 and 30, limitations of claims 1 and 26, see claim 16, above.

As to dependent claim 17, limitations of claim 16, and further comprising, wherein both said first and second groups of control elements are exposed when said display is in said second position, and wherein only said second group of control elements are exposed when said display

Art Unit: 2675

is in said first position (Fig. 7b, items 27, and Fig. 12, item 43), wherein said display is viewable in both said first position and said second position (col. 2, lines 2-68, col. 6, lines 12-55, and col. 10, lines 5-57).

As to dependent claim 27, limitations of claim 26, and further comprising, wherein said display is rotatably coupled to said data processing device and configured to rotate within a plane substantially perpendicular to said display's axis of rotation between said first position and said second position (Figs. 7a-d and 12).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8, 20, 21, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagawa et al (US 5,268,817) as applied to claims 1, 16 and 26, above, and further in view of Haneda et al. (US 5,900,848).

As to dependent claims 7 and 20, limitations of claims 1 and 16, and further comprising, a switch configured to trigger when said display is rotated from second to close. Miyagawa et al do not teach a switch to trigger. Haneda et al in col. 6, line 44-col. 7, line 12, teach a switch which is triggered depending on the state of the lid body. It would have been obvious to one of ordinary skill in the art that the feature of Haneda et al could have easily been incorporated into that of Miyagawa et al both systems disclose an apparatus for data processing with rotatable

Application/Control Number: 09/714,320
Art Unit: 2675

display devices. The switch feature is advantageous as it enables the processor to distinguish the direction of the display of the rotatable display device.

As to dependent claims 8, 21 and 31, limitations of claims 7, 20 and 26, and further comprising wherein the image inversion logic to invert images on said display response to said switch triggering. Miyagawa et al do not teach where the images are inverted in response to switch triggering. Haneda et al disclose in col. 6, line 44-col. 7, line 12 where the images are inverted depending upon the switching state. It would have been obvious to one of ordinary skill in the art that the feature of Haneda et al could have easily been incorporated into that of Miyagawa et al both systems disclose an apparatus for data processing with rotatable display devices. The switch feature is advantageous as it enables the processor to distinguish the direction of the display of the rotatable display device.

As to dependent claim 32, see claims 7 and 8, above.

Allowable Subject Matter

6. Claims 5, 19, 22-25 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 5, 19 and 29, the prior art of record fail to disclose where a second group of control elements comprise a control knob and a set of control buttons. The prior art of record discloses a pen input stylus and a touch panel.

Claims 22-25 are objected to as they depend upon a rejected base claim.

Response to Arguments

7. Applicant's arguments filed November 4, 2002 have been fully considered but they are not persuasive.

As shown in the above rejection, Miyagawa et al disclose the "first" and "second" positions clearly in Figs. 7a-d. With respect to the amendment of claim 16, Miyagawa et al discloses the limitation of the pivoting in Fig. 12.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Srilakshmi K. Kumar** whose telephone number is (703) 306 5575.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached at (703) 305-9720.

Art Unit: 2675

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Srilakshmi K. Kumar
Examiner
Art Unit 2675

SKK
January 11, 2003



STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600